

Application No.: 10/711,464
Amendment Dated: December 14, 2005
Reply to Office Action of: June 14, 2005

Attorney Docket No.: 28757.00001
Customer No.: 35161

REMARKS/ARGUMENTS

This Amendment is in response to the Non-Final Office Action mailed on June 14, 2005, for the present application, which has been reviewed. Considered together with the following remarks, the arguments below and request for reconsideration are believed sufficient to place the application into condition for allowance. No new matter has been added to the application. Applicant's express appreciation for the thoughtful examination by the Examiner.

In the claims, claims 1, 9, 11, and 20 are presently amended, while claims 2, 7, 8, and 12 are cancelled. Claims 1, 11 have been amended to include limitations found in the cancelled claims.

The present invention provides a wearable body support system and particularly to a wearable body support system configured for attachment to a person that provides cushioning and support to the user during events such as hunting, fishing, boating, rafting, spectator sports and the like.

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Rejection of Claims 1, 3, 5 and 6 Under 35 U.S.C. §102 Should Be Withdrawn

The present Office Action rejects claims 1, 3, 5, and 6 under 35 U.S.C. section 102(b) as being anticipated by Willifords et al. (U.S. 5,652,957). Applicant's respectfully traverse this rejection and request favorable reconsideration and withdrawal of this rejection. Further, Applicant's submit this rejection is rendered moot by the foregoing amendments and the following comments.

The standard for a rejection under 35 U.S.C. §102(b) is established in MPEP §2131. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. If an independent claim is allowable under 35 U.S.C. §102, then any claim depending therefrom is also allowable.

In order to further the prosecution of this application, and without acquiescing to the Examiner's rejection and while reserving the right to prosecute the original claims (or similar claims) in the future, Applicant's have amended claim 1, from which claims 3, 5, and 6 depend.

The prior art cited does not teach a wearable body support system as disclosed in the specification to provide cushioning and comfort to a user. In particular, Williford teaches anti-skid garment made from coarse textured anti-skid materials. Nevertheless, claims 1 and 11 have been amended to include the limitation of the upper torso assembly having a buoyant padding element.

In light of the foregoing, Applicant therefore believes claim 1 and those claims that depend from claim 1 are in condition for allowance, and respectfully requests such allowance.

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Rejection of Claims 1-3, 5-7, 20-22 and 24 Under 35 U.S.C. §102 Should Be

Withdrawn

The present Office Action also rejects claims 1-3, 5-7, 20-22 and 24 under 35 U.S.C. section 102(b) as being anticipated by Howland et al. (U.S. App. No. 2001/0029621). Howland teaches a penetration resistant garment having a plurality of penetration resistant panels 30 (para. [0042] lines 4-5). The optional padded backing is merely to protect a user from its rigid surfaces. The intended use of this garment is to protect a user from trauma associated with power-washers and is therefore primarily designed for use on the front of a user.

In contrast the present invention is configured and claimed to provide a cushioning effect to a seated, kneeling, or braced user. Applicant respectfully disagrees with the Present Action's statement that Howland discloses a wearable body support system having a "first elongated cushion assembly (92) and a second elongated cushion assembly (90). Again the assemblies are penetration resistant panels. Optionally, "each panel may include a backing." (para. [0059] lines 1-2). As such, the backing would not exist or even be needed if there were no rigid panels. Thus, based on the foregoing and the amendment to claim 1, Applicant respectfully requests removal of this rejection and those claims that depend from it.

Regarding the rejection of claims 2 and 20, Applicant refers to his response stated above and additionally adds that Howland's chest panel 40 is clearly designed for protection of a user's chest. The present invention in contrast is designed specifically to provide a cushioning effect to a user's back. This limitation is stated in claim 2, and claim 20 as amended.

Regarding the rejection of claims 3 and 21, Applicant refers to his response stated above and additionally adds that Howland's elements do not teach a leg support 100 as stated in the present action. In fact, element 100 actually refers to a lower knee panel 100. Further,